

BEFORE THE DEPARTMENT OF PUBLIC  
HEALTH AND HUMAN SERVICES OF THE  
STATE OF MONTANA

In the matter of the repeal of ARM	)	NOTICE OF PROPOSED
37.88.1111 pertaining to the direct care	)	REPEAL
wage add-on for certain mental health	)	
care providers	)	NO PUBLIC HEARING
	)	CONTEMPLATED

TO: All Interested Persons

1. On May 10, 2008, the Department of Public Health and Human Services proposes to repeal the above stated rule.

2. The Department of Public Health and Human Services will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or who need an alternative accessible format of this notice. If you need an accommodation, contact the department no later than 5:00 p.m. on April 21, 2008. Please contact Rhonda Lesofski, Office of Legal Affairs, Department of Public Health and Human Services, P.O. Box 4210, Helena MT 59604-4210; telephone (406)444-4094; fax (406)444-1970; e-mail dphhslegal@mt.gov.

3. The rule as proposed to be repealed provides as follows:

ARM 37.88.1111 DIRECT CARE WAGE ADD-ON FOR CERTAIN MENTAL HEALTH CARE PROVIDERS found at ARM page 37-21729.

AUTH: 53-2-201, 53-6-113, MCA

IMP: 53-2-201, 53-6-101, 53-6-111, 53-6-113, MCA

4. The department is proposing to repeal ARM 37.88.1111. The rule is obsolete and the direct care wage add-on for certain mental health care providers will be accomplished via contracts with the providers instead. The alternative would have been to amend the existing obsolete rule resulting in duplicative details in the rule and in contracts. Contracts are issued even with a rule in place. Having administrative details in contracts will result in more effective management of the direct care wage add-on through contract oversight. There is no negative impact to providers.

5. Interested persons may submit comments concerning the proposed action in writing to Rhonda Lesofski, Office of Legal Affairs, Department of Public Health and Human Services, P.O. Box 4210, Helena MT 59604-4210, no later than 5:00 p.m. on May 8, 2008. Comments may also be faxed to (406)444-1970 or e-mailed to dphhslegal@mt.gov. The department maintains lists of persons interested in receiving notice of administrative rule changes. These lists are compiled according to subjects or programs of interest. To be included on such a list, please notify this

same person.

6. If a person who is directly affected by the proposed action wishes to comment orally or in writing at a public hearing, s/he must make a written request for a public hearing and submit such request, with any written comments to Rhonda Lesofski, Office of Legal Affairs, Department of Public Health and Human Services, P.O. Box 4210, Helena MT 59604-4210; by fax (406)444-1970; or by email to dphhslegal@mt.gov no later than 5:00 p.m. on May 8, 2008.

7. If the Department of Public Health and Human Services receives requests for a public hearing on the proposed action from either 10% or 25, whichever is less, of those who are directly affected by the proposed action; from the administrative rule review committee of the Legislature; from a governmental subdivision or agency; from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those directly affected has been determined to be 2, based on 16 providers.

8. An electronic copy of this proposal notice is available through the Secretary of State's web site at <http://sos.mt.gov/ARM/Register>. The Secretary of State strives to make the electronic copy of this notice conform to the official version of the notice as printed in the Montana Administrative Register, but advises all concerned persons that, in the event of a discrepancy between the official printed text of the Notice and the electronic version of the notice, only the official printed text will be considered. The web site may be unavailable at times, due to system maintenance or technical problems.

9. The bill sponsor notice requirements of 2-4-302, MCA, do not apply.

/s/ John Koch  
Rule Reviewer

/s/ Joan Miles  
Director, Public Health and  
Human Services

Certified to the Secretary of State March 31, 2008.